

**08 CRIM 339**

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

-vs-

MARK McKELVIE,

Defendant.

06-CR- 6083T

**INFORMATION**

(Felony)

**Violation:**

26 U.S.C. §7206(1)

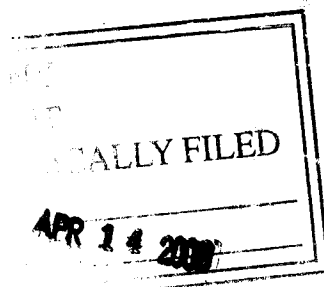
**COUNT 1**

**The United States Attorney Charges:**

That on or about April 15, 1998, in the Western District of New York, the defendant, **MARK McKELVIE**, did willfully make and subscribe a federal income tax return for the year 1997, which return was verified by a written declaration that it was made under the penalties of perjury and was filed with the Internal Revenue Service, and which return the defendant did not believe to be true and correct as to every material matter in that the said return reported a taxable income amount which was false, whereas, as the defendant then and there well knew and believed, the taxable income amount on his federal income tax return for

**UNDER CASTEL**

FILED  
U.S. DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK  
APR 15 2008



ECF  
DOCUMENT

I hereby attest and certify that this is a printed copy of a document which was electronically filed with the United States District Court for the Western District of New York

Date Filed: 5/14/08  
Rodney C. Early, Clerk

By: [Signature] Deputy Clerk

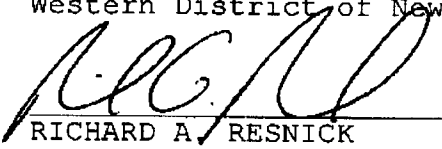
the year 1997 should have been substantially greater than the amount reported on said return.

**All in violation of Title 26, United States Code, Section 7206(1) .**

Dated: Rochester, New York  
May 16, 2006.

TERRANCE P. FLYNN  
United States Attorney  
Western District of New York

By:

  
\_\_\_\_\_  
RICHARD A. RESNICK  
Assistant United States Attorney

**08 CRIM 339**

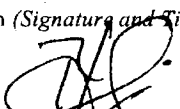
U.S. Department of Justice

Rule 20 -- Transfer Notice

To: Richard A. Resnick, AUSA	District Western District of New York	Date 5/16/2006
Name of Subject: Mark McKelvie	Statute Violated 26 U.S.C. 7206(1)	File Data (Initials and Number) 06-CR-6083T WDNY

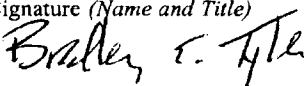
**Part A -- District of Arrest**

- ☒ The above-named subject has been apprehended in this jurisdiction and indicates amenability to Rule 20 disposition of the charges pending against him in your court. Kindly indicate whether you are agreeable to Rule 20 disposition and forward two certified copies of indictment or information if any.
- ☐ Enclosed is a certified copy of waiver of indictment by defendant. Kindly file criminal information and forward two certified copies thereof.
- ☐ Enclosed is Consent to Transfer form executed in duplicate (one copy for your files) by defendant and the United States Attorney in the district of arrest. Kindly add your consent and have the Clerk of your district transmit the papers in the proceeding or certified copies thereof to the Clerk of the Court in this district in accordance with the Rule Docket No.
- ☐ Other (Specify):
- ☐ The above-named defendant entered a plea of guilty under Rule 20.
- Date of Plea                      Date of Sentence                      Sentence**

From (Signature and Title)  <b>RAYMOND J. LOHIER</b> AUSA	Address U.S. Attorney's Office - Southern District of New York 1 St. Andrews Plaza New York, New York 10007
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**Part B -- District of Offense**

- ☒ I am agreeable to Rule 20 disposition.
- ☐ I am not agreeable to Rule 20 disposition. Defendant's appearance is desired at \_\_\_\_\_ on \_\_\_\_\_ at \_\_\_\_\_ o'clock
- (Kindly notify me of any anticipated delay)
- ☒ Enclosed are two certified copies of indictment or information
- ☐ Please have defendant execute waiver of indictment.
- ☐ Other (Specify):
- Docket No. 06-CR-6083

Signature (Name and Title)  <b>Bradley E. Tyler</b> AUSA Rochester	District Western District of New York	Date 7/5/07
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See United States Attorneys Manual 9-14.000 for an explanation of procedures under Rules 7 & 20, Federal Rules of Criminal Procedure.  
Replaces OBD-101, Fed. 83 edition may be used

FORM USA-231  
NOV. 85

## Transfer Documents

6:06-cr-06083-CJS USA v. McKelvie

### U.S. DISTRICT COURT

U.S. District Court, Western District of New York

#### Notice of Electronic Filing

The following transaction was entered on 7/9/2007 at 10:08 AM EDT and filed on 7/5/2007

**Case Name:** USA v. McKelvie

**Case Number:** 6:06-cr-6083

**Filer:**

**Document Number:** 6

#### Docket Text:

CONSENT TO TRANSFER JURISDICTION (Rule 20) to Southern District of NY Counts closed as to Mark McKelvie (1) Count 1. (TO)

#### 6:06-cr-6083-1 Notice has been electronically mailed to:

Richard A. Resnick richard.resnick@usdoj.gov, kim.pettit@usdoj.gov, marylyn.rodriguez@usdoj.gov, sean.eldridge@usdoj.gov

Michael A. Burger mburger@dfckg.com, dparsons@dfckg.com

#### 6:06-cr-6083-1 Notice has been delivered by other means to:

The following document(s) are associated with this transaction:

**Document description:**Main Document

**Original filename:**n/a

#### Electronic document Stamp:

[STAMP dcecfStamp\_ID=1042579058 [Date=7/9/2007] [FileNumber=859392-0]  
[e046486e75732ab00aa27949acb16584a9f9b37a29c7889cda7986e69e6fd0acba882  
34300232410ebd6df1fac0aebbef2a9e296adb0ed52c4fa05eb5850c083]]

CLERK, U. S. DISTRICT COURT  
100 STATE STREET  
2120 U. S. COURTHOUSE  
ROCHESTER, NEW YORK 14614  
(585) 613-4000

Rodney C. Early, Clerk

7/9/07

Southern District of New York  
Clerk, US District Court  
US Courthouse 500 Pearl St.  
Room. 520  
NY, NY 10007

RE: U. S. vs. MCKELVIE 06-CR-6083

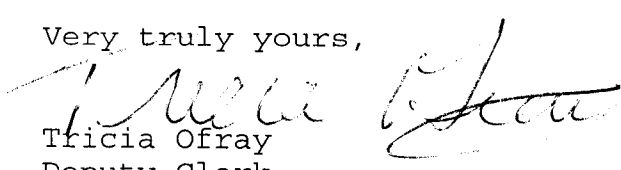
Dear Clerk:

Pursuant to Rule 20 of the Federal Rules of Criminal Procedures, enclosed are the following:

1. Certified copy of criminal complaint
2. Certified copy of information
3. Certified copy of Rule 20- Transfer notice
4. Certified copy of Consent to Transfer for Plea
5. Certified copy of docket sheet

Please acknowledge receipt of the above on the copy of this letter to this office.

Very truly yours,

  
Tricia Ofray  
Deputy Clerk

pc: U. S. Attorney  
Probation  
Michael Burger

\*\*\*\*\*

Receipt of the above described documents is acknowledged herewith.

Clerk, U. S. District Court

Dated:

By:  
Deputy Clerk

**U.S. DISTRICT COURT**  
**U.S. District Court, Western District of New York (Rochester)**  
**CRIMINAL DOCKET FOR CASE #: 6:06-cr-06083-CJS All Defendants**  
**Internal Use Only**

Case title: USA v. McKelvie

Date Filed: 05/16/2006

Assigned to: Hon. Charles J. Siragusa

**Defendant**

**Mark McKelvie (1)**

represented by **Michael A. Burger**  
Davidson, Fink, Cook, Kelly &  
Galbraith, LLP  
28 East Main Street  
Suite 1700  
Rochester, NY 14614  
(585) 546-6448  
Fax: (585) 546-8125  
Email: mburger@dfckg.com  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Pending Counts**

26:7206A.F FRAUD AND FALSE  
STATEMENTS  
(1)

**Disposition**

**Highest Offense Level (Opening)**

Felony

**Terminated Counts**

None

**Disposition**

**Highest Offense Level (Terminated)**

None

**Complaints**

None

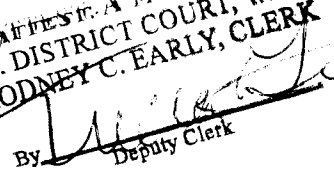
**Disposition**

**Plaintiff**

**USA**

represented by **Richard A. Resnick**  
 U.S. Attorney's Office  
 100 State Street  
 Room 620  
 Rochester, NY 14614  
 585-263-6760, ext. 2241  
 Fax: 585-263-6226  
 Email: richard.resnick@usdoj.gov  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

Date Filed	#	Docket Text
05/16/2006	<a href="#"><u>1</u></a>	INFORMATION as to Mark McKelvie (1) count(s) 1. (TO, ) (Entered: 05/16/2006)
05/16/2006	<a href="#"><u>2</u></a>	WAIVER OF INDICTMENT by Mark McKelvie (TO, ) (Entered: 05/16/2006)
05/16/2006	<a href="#"><u>3</u></a>	Minute Entry for proceedings held before Judge Michael A. Telesca :Arraignment as to Mark McKelvie (1) Count 1 held on 5/16/2006. Defendant present w/counsel. Defendant pleads not guilty. Felony information and waiver of indictment executed. Case to be transferred pursuant to F.R.Cr.P. 20. Government to submit order of excludible time from 5/16/2006 to 7/17/2006. Defendant released on his own recognizance. Appearances: R. Resnick, M. Berger. (Court Reporter KW.) (MS, ) (Entered: 05/17/2006)
05/17/2006	<a href="#"><u>4</u></a>	ORDER TO CONTINUE - Ends of Justice as to Mark McKelvie Time excluded from 5/16/06 until 7/17/06. . Signed by Judge Michael A. Telesca on 5/17/06. (TO, ) (Entered: 05/17/2006)
08/29/2006	<a href="#"><u>5</u></a>	TEXT ORDER as to Mark McKelvie transferring case to Judge Charles J. Siragusa . Signed by Judge Michael A. Telesca on August 29, 2006. (MS, ) (Entered: 08/29/2006)
08/29/2006	<a href="#"><u>6</u></a>	Judge update in case as to Mark McKelvie. Judge Charles J. Siragusa added. Judge Michael A. Telesca no longer assigned to case. (MS, ) (Entered: 08/29/2006)

ATTACHED FREE COPY  
 U.S. DISTRICT COURT, WDNY  
 RODNEY C. EARLY, CLERK  
 By  Deputy Clerk